



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7

11201 Renner Boulevard  
Lenexa, Kansas 66219

**FEB 04 2014**

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7013 3020 0001 1645 6775

Mr. Ken Mertl  
District Manager  
Waste Management of Nebraska, Inc.  
Douglas County Recycling & Disposal Facility  
13505 North 216<sup>th</sup> Street  
Bennington, Nebraska 68007

Dear Mr. Mertl:

The enclosed information request is being issued to Waste Management of Nebraska, Inc., pursuant to Section 114 of the Clean Air Act, 42 USC § 7414. The U. S. Environmental Protection Agency is seeking information pertaining to the Douglas County Recycling & Disposal Facility, which is located at 13505 North 216<sup>th</sup> Street, Bennington, Nebraska 68007. The EPA inspected your facility on April 5, 2012, September 12, 2013, and June 2 – 4, 2014. This letter requests additional information related to your facility.

Under Section 114 of the CAA, the EPA is authorized to require the submission of records, reports and other information for the purpose of determining whether any violations of the CAA have occurred. In accordance with this authority, you are hereby served the enclosed Information Request, and required to provide the requested responses and documents **within 30 days of receipt of this Request**. See Enclosures 1 and 2 for instructions, definitions and Information Requests.

In addition, sign and return the Statement of Certification (Enclosure 3), with the response to this Information Request. All information submitted in response to this request must be certified as true, correct, accurate, and complete by an individual(s) with sufficient knowledge and authority to make such representations on behalf of WM.

Please submit your response to this request within 30 days, as follows:

Gary Bertram  
Environmental Engineer, AWMD/APCO  
U.S. Environmental Protection Agency  
11201 Renner Boulevard  
Lenexa, Kansas 66219



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You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires, except that no such claim can be made with respect to emission data as defined at 40 CFR § 2.301(a)(2). Any such claim should be made in accordance with the procedures described at 40 CFR § 2.203(b). The EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 CFR Part 2, Subpart B. The EPA may provide the public with any information not subject to such a claim without further notice.

If you have any questions relating to this Order, contact Gary Bertram, at (913) 551-7533, or Sarah LaBoda, Office of Regional Counsel, at (913) 551-7424.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Weber". The signature is fluid and cursive, with the first name "Becky" written in a larger, more prominent script than the last name "Weber".

Becky Weber  
Director  
Air and Waste Management Division

Enclosures

cc: Todd Ellis, Nebraska Department of Environmental Quality

**ENCLOSURE 1**  
**INFORMATION REQUEST**

- 1) Provide the following information regarding the Douglas County Recycling & Disposal Facility:
  - a) Date when waste was originally placed in the landfill;
  - b) If the landfill is identified by unique sections, areas or phases, provide the date waste was originally placed into each unique location of the landfill;
  - c) Date when landfill gas collection system was installed;
  - d) Date and description of each modification to the landfill gas collection system, including but not limited to expansion of the landfill gas collection system;
  - e) Drawings identifying the location of all landfill gas collection system equipment and wells;
  - f) Landfill gas collection system design plans (original and updates/modifications);
  - g) Date and description of each change made to the landfill gas collection system, including, but not limited to, well additions and wells decommissioned;
  - h) For the period of January 1, 2005 to the present, provide copies of all studies, reports, letters, memorandums and notes regarding the integrity of landfill gas collection system and each gas collection well (including but not limited to issues or concerns regarding damaged wells, watered in wells (partial or complete), reduced gas flow, etc.).
- 2) Provide an explanation of each type of gas extraction device (gas extraction well, perimeter well, etc.), leachate collection device, monitors and probes currently utilized at the Douglas County Recycling & Disposal Facility. The explanation should include, but not be limited to, a description of the purpose and/or role of the device within the landfill gas collection system.
- 3) Provide an explanation of identification numbers/codes used for each device discussed in your response to question 2, above.
- 4) For the period of January 1, 2013 to the present, provide copies of data collected from all devices (including, but not limited to wells, monitors and probes) located on the perimeter of the landfills located at the Douglas County Recycling & Disposal Facility and located outside of landfill areas containing waste.
- 5) For the period of January 2011 to April 2012, provide copies of cover integrity inspection records.
- 6) For each well identified below, provide the following information for the time period of January 2011 to the present:

DCWR1	DCWR6	DCWR7	DCWR10
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- a) The date oxygen concentration of greater than 5% was originally detected;
- b) Documentation of the action taken within 5 days of detected oxygen exceedance, as required by 40 CFR 60.755(a)(5). Documentation should include, but not be limited to, a description of action taken to reduce oxygen concentration to below 5% and copies of all sampling and testing records during this time period;

- c) Documentation of the action taken within 15 days of detected oxygen exceedance, as required by 40 CFR 60.755(a)(5). Documentation should include, but not be limited to, a description of action taken to reduce oxygen concentration to below 5% and copies of all sampling and testing records during this time period; and,
  - d) Documentation of the action taken to expand the gas collection system within 120 days if the oxygen concentration could not be reduced to less than 5% within 15 days of the original exceedance. Documentation should include, but not be limited to, a description of the new well(s) (including the well identification number(s)), the date well installation was initiated, the date well was placed into service; and,
  - e) Copies of all reports, internal communications, external communications, memorandums, e-mail messages and notes addressing or discussing the potential cause of the oxygen exceedance.
- 7) Identify the owners and responsible operators of the landfill gas collection system and any landfill gas treatment or distribution operations. Documentation, such as a contract or service agreement, if applicable, should be provided.
  - 8) Provide documents which include surface emission monitoring procedures and schedules.
  - 9) Provide copies of all documents and data submitted to the Nebraska Department of Environmental Quality to support requests for higher temperature and oxygen limits at specific gas collection wells.
  - 10) Provide copies of all documents and data submitted to the Nebraska Department of Environmental Quality to support requests to decommission or abandon specific gas collection wells.
  - 11) Provide copies of all documents and data submitted to the Nebraska Department of Environmental Quality to support requests for alternative remedy or timeline to address well deviations of oxygen or temperature limits or positive pressure.

## **ENCLOSURE 2**

### **INSTRUCTIONS**

1. Please identify the individual(s), including title, responsible for responding to this request.
2. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
3. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
4. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

## DEFINITIONS

All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the Act, 42 USC § 7401, 40 CFR Part 52, or other CAA implementing regulations. Reference is made to the EPA regulatory provisions only; however, you should apply the applicable Federally-approved state provisions when appropriate. Definitional clarification is specified below.

1. The term landfill gas collection system shall mean a collection system that captures the gas generated within the landfill.
2. The term "landfill gas treatment" shall mean the removal and separation of impurities and moisture from the methane.
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any document.
4. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 USC § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
5. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
6. The term "Douglas County Recycling & Disposal Facility" shall mean the site on which the Douglas County Landfill and Pheasant Point Landfill are located.

**ENCLOSURE 3**

**STATEMENT OF CERTIFICATION**

Waste Management of Nebraska, Inc. is submitting the enclosed documents in response to EPA's "Section 114" request for information to determine whether WM is in compliance with the Clean Air Act.

I am a responsible officer of \_\_\_\_\_.

I certify under penalty of law that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, correct, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fine or imprisonment.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title \_\_\_\_\_

